

Express Mail Label No.: EL 870248895 US

Date of Deposit: October 15, 2002

10038854-101502

**PATENT APPLICATION**

Attorney Docket No. 21402-230 (CURA-530)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS : Spytek, *et al.*  
SERIAL NUMBER : 10/038,854 EXAMINER : Not Yet Assigned  
FILING DATE : December 31, 2001 ART UNIT : 1616  
FOR : PROTEINS AND NUCLEIC ACIDS ENCODING SAME

BOX MISSING PARTS  
Commissioner for Patents  
Washington, D.C. 20231

**TRANSMITTAL LETTER**

Transmitted herewith for filing in the present application are the following documents:

Response to Notice to File Missing Parts and Notice to Comply with Sequence Listing Requirements (2 pages);  
Copy of Notice to File Missing Parts (2 pages);  
Executed Combined Declaration and Power of Attorney (3 counterparts, 24 pages);  
Preliminary Amendment (2 pages);  
Substitute Specification (454 pages);  
Marked-up Version of Substitute Specification (467 pages, plus cover page);  
Statement in Support of Substitute Specification (1 page);  
Sequence Listing (394 pages);  
Statement in Support of Computer Readable Form Submission (1 page);  
Petition for Extension of Time (1 page in duplicate);  
Computer Readable Form of Sequence Listing (one diskette);  
Two checks: check #14357 for \$130.00; check #14356 for \$1960.00; and Return Postcard.


If the enclosed papers are considered incomplete, the Mail Room or the Application Branch is respectfully requested to contact the undersigned at (617) 542-6000.

U.S.S.N.: 10/038,854  
Applicants: Spytek, et al.

No additional fees are believed to be due; however, the Commissioner is authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311 (Reference No. 21402-230). A duplicate copy of this Transmittal Letter is enclosed.

Respectfully submitted,

Date: October 15, 2002

 92, 167  
\_\_\_\_\_  
Ivor R. Elrifi, Reg. No. 39,529  
Janine M. Susan, Reg. No. 46,119  
Attorneys for Applicants  
c/o MINTZ, LEVIN  
One Financial Center  
Boston, Massachusetts 02111  
Tel: (617) 542-6000  
Fax: (617) 542-2241

TRA 1722464v1

# 4



## UNITED STATES PATENT AND TRADEMARK OFFICE

 COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
 www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 10/038,854         | 12/31/2001          | Kimberly A. Spytek    | 21402-230 (Cura 530)   |

CONFIRMATION NO. 5243

## FORMALITIES LETTER



\*000000007645571\*

 MINTZ, LEVIN, COHN, FERRIS,  
 GLOVSKY AND POPEO, P.C.  
 One Financial Center  
 Boston, MA 02111

Date Mailed: 03/15/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52 because:
  - Papers contain improper margins. *Each sheet must have a left margin of at least 2.5 cm (1") and top, bottom and right margins of at least 2.0 cm (3/4")*
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant

10/18/2002 SDEHQB1 00000097 10038854

02 FC:1051

130.00 OP


desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

---

*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Express Mail Label No.: EL 870248895 US

Date of Deposit: October 15, 2002

## PATENT APPLICATION

Attorney Docket No. 21402-230 (CURA-530)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Spytek, *et al.*  
SERIAL NUMBER : 10/038,854  
FILING DATE : December 31, 2001  
FOR : PROTEINS AND NUCLEIC ACIDS ENCODING SAME

EXAMINER : Not Yet Assigned  
ART UNIT : 1616

BOX MISSING PARTS  
Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS AND NOTICE TO  
COMPLY WITH SEQUENCE LISTING REQUIREMENTS UNDER 37  
CFR §§ 1.821 - 1.825**

In response to the Notice To File Missing Parts mailed March 15, 2002, Applicants submit herein an executed Combined Declaration and Power of Attorney, payment of the surcharge of \$130.00 (check #14357) as set forth in 37 C.F.R. §1.16(e), and a copy of the Notice to File Missing Parts. Applicants concurrently submit herewith a substitute specification, a sequence listing, a computer readable form (CFR) copy of the "Sequence Listing" and a statement that the content of the paper and computer readable copies are the same and include no new matter, in compliance with 37 C.F.R. §§ 1.821-1.825.


Applicants have also filed concurrently a petition for a five-month extension of time with a check (#14356) in payment of the \$1960.00 extension fee pursuant to 37 C.F.R. §1.17(a)(5). With the extension, the Response is due on or before Tuesday, October 15, 2002.

U.S.S.N.: 10/038,854  
Applicants: Spytek, et al.

No additional fees are believed to be due. However, the Commissioner is authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Attorney Reference No. 21402-230 (CURA-530).

Respectfully submitted,

Date: October 15, 2002

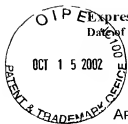


92. 10. 1

---

Ivor R. Elrifi, Reg. No. 39,529  
Janine M. Susan, Reg. No. 46,119  
Attorneys for Applicants  
c/o MINTZ, LEVIN  
One Financial Center  
Boston, Massachusetts 02111  
Tel: (617) 542-6000  
Fax: (617) 542-2241

TRA 1722427v1



Express Mail Label No.: EL 870248895 US

Date of Deposit: October 15, 2002

PATENT APPLICATION

Attorney Docket No. 21402-230 (CURA-530)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Spytek, *et al.*  
SERIAL NUMBER : 10/038,854 EXAMINER : Not Yet Assigned  
FILING DATE : December 31, 2001 ART UNIT : 1616  
FOR : PROTEINS AND NUCLEIC ACIDS ENCODING SAME

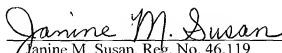
BOX MISSING PARTS  
Commissioner for Patents  
Washington, D.C. 20231

STATEMENT IN SUPPORT OF COMPUTER READABLE  
FORM SUBMISSION UNDER 37 C.F.R. § 1.821(f)

I hereby state that the content of the paper and computer readable forms of the Sequence Listing, submitted in the above-identified application in accordance with 37 C.F.R. § 1.821(c) and 1.821(e), respectively, are the same. No new matter is added.

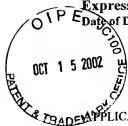
Respectfully submitted,

Date: October 15, 2002

  
Janine M. Susan, Reg. No. 46,119  
c/o MINTZ, LEVIN  
One Financial Center  
Boston, Massachusetts 02111  
Tel: (617) 542-6000  
Fax: (617) 542-2241

Express Mail Label No.: EL 870248895 US  
Date of Deposit: October 15, 2002

10038854 101502  
Attorney Docket No. 21402-230 (CURA-530)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Spytek et al.  
SERIAL NUMBER: 10/038,854 EXAMINER: Not Yet Assigned  
FILING DATE: December 31, 2001 ART UNIT: 1616  
FOR: PROTEINS AND NUCLEIC ACIDS ENCODING SAME

STATEMENT IN SUPPORT OF SUBSTITUTE SPECIFICATION  
(37 CFR 1.125(b)(1))

Pursuant to 37 CFR 1.125(b)(1), I hereby state that the content of the substitute specification and the specification filed on December 31, 2001 are the same, but for the addition of sequence identifiers. Applicants hereby submit this substitute specification in response to the Notice to File Missing Parts mailed on March 15, 2002, which specifically requested a substitute specification in compliance with 37 CFR 1.52. Thus, this submission includes no new matter.

Respectfully submitted,

Dated: October 15, 2002

*Janine M. Susan*  
For R. Elrifi, Reg. No. 39,329  
Janine M. Susan, Reg. No. 46,119  
Attorneys for Applicants  
c/o MINTZ, LEVIN  
One Financial Center  
Boston, Massachusetts 02111  
Tel: (617) 542-6000  
Fax: (617) 542-2241

TRA 1722821v1